

Kelly Hampton - 6/3/10

1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF TEXAS  
3 MARSHALL DIVISION

3 PATTY BEALL, MATTHEW )  
4 MAXWELL, TALINA MCELHANY )  
5 AND KELLY HAMPTON, )  
6 INDIVIDUALLY AND ON BEHALF )  
7 OF ALL OTHER SIMILARLY )  
8 SITUATED, )  
9 Plaintiffs, ) 2:08-CV-422 TJW  
10 VS. )  
11 TYLER TECHNOLOGIES, INC. )  
12 AND EDP ENTERPRISES, INC., )  
13 Defendants. )

11 -----  
12 ORAL DEPOSITION OF  
13 KELLY HAMPTON  
14 JUNE 3, 2010  
15 -----

16  
17 ORAL DEPOSITION OF KELLY HAMPTON, produced as a  
18 witness at the instance of the DEFENDANTS, and duly  
19 sworn, was taken in the above-styled and -numbered cause  
20 on June 3, 2010, from 10:54 a.m. to 1:36 p.m., before  
21 Crystal Greer, CSR in and for the State of Texas,  
22 reported by machine shorthand, at the law offices of  
23 Sloan, Bagley, Hatcher & Perry Law Firm, 101 East Whaley  
24 Street, Longview, Texas, 75601, pursuant to the Federal  
25 Rules of Civil Procedure.

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1                   A P P E A R A N C E S

2  
3       FOR THE PLAINTIFFS:

4           MS. LAUREEN F. BAGLEY  
5           SLOAN, BAGLEY, HATCHER & PERRY LAW FIRM  
6           101 EAST WHALEY STREET  
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9       FOR THE DEFENDANTS:

10           MR. PAULO B. MCKEEBY  
11           MORGAN LEWIS  
12           1717 MAIN STREET  
13           SUITE 3200  
14           DALLAS, TEXAS 75201  
15           (214) 466-4000

16  
17  
18  
19  
20                   REPORTER'S NOTE

21           Uh-huh = Yes - Affirmative response

22           Huh-uh = No - Negative response

23           Quotation marks are used for clarity and do not  
24           necessarily indicate a direct quote.  
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1 A. Salary.

2 Q. And has that always been the case since you've  
3 been employed by the West Rusk County School District?

4 A. Yes, sir.

5 Q. To whom do you report at your current employer?

6 A. The superintendent.

7 Q. Who is that person?

8 A. Tommy Alexander.

9 Q. And has he been your supervisor throughout the  
10 tenure of your employment at the West Rusk County School  
11 District?

12 A. No, sir.

13 Q. There have been different superintendents?

14 A. Yes, sir.

15 Q. How long has Mr. Alexander been the  
16 superintendent?

17 A. Since November.

18 Q. Who was it before Mr. Alexander?

19 A. Mike King.

20 Q. And your tenure of employment with the West  
21 Rusk County School District is what? You started in  
22 2007?

23 A. Yes, sir, October of 2007.

24 Q. And prior to that time, you were employed by  
25 Tyler Technologies?

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1 A. Yes, sir.

2 Q. And just for purposes of the deposition and  
3 that we're on the same page, Tyler Technologies, do you  
4 understand, took -- acquired a company called EDP  
5 Enterprises?

6 A. Correct.

7 Q. And so previous to that corporate acquisition,  
8 you were employed by EDP Enterprises, correct?

9 A. Yes, sir.

10 Q. And you were employed by EDP Enterprises from  
11 -- beginning in 2004?

12 A. Yes, sir, March of 2004.

13 Q. Okay. How -- and I understand that you  
14 would've only been employed after the Tyler acquisition  
15 for a month or so?

16 A. Right.

17 Q. Did your job change at all during that month  
18 after the Tyler acquisition in the fall of 2007?

19 MS. BAGLEY: Object to the form.

20 You can go ahead and answer. I'm just  
21 preserving the objection for the record.

22 THE WITNESS: Okay.

23 A. The job title changed, but the job duties did  
24 not.

25 Q. (By Mr. McKeeby) The job title -- let me make

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1 sure I understand correctly -- changed from client

2 liaison to implementation specialist?

3 A. Yes, sir.

4 Q. And how were you made aware of the change in  
5 the job title?

6 A. The implementation manager informed us that our  
7 title would change --

8 Q. And --

9 A. -- to be consistent with the other Tyler  
10 Technology divisions.

11 Q. Okay. Consistent with the way they called that  
12 position?

13 A. Yes, sir.

14 Q. And who was the implementation manager that you  
15 mentioned?

16 A. Chandra Robins. C-H-A-N-D-R-A; Robins,  
17 R-O-B-I-N-S.

18 Q. And was Ms. Robins your supervisor at the time?

19 A. Yes, sir.

20 Q. And was she always your supervisor during the  
21 tenure of your employment with EDP and then Tyler?

22 A. We actually started on the same day. When I --  
23 she became my supervisor within the first year.

24 Q. I understand that you have produced time  
25 records in this case?

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1 A. Yes, sir.

2 Q. Was there anything about how you completed  
3 those time records that changed after the Tyler  
4 acquisition in the fall of 2007?

5 A. It was my understanding that they didn't  
6 require time sheets.

7 Q. Okay. So "they" being Tyler?

8 A. Tyler, yes. I'm sorry.

9 Q. So do I understand from that that you,  
10 specifically in your job for that month or so while you  
11 were in Longview working for, now, at that point, Tyler  
12 Technologies -- did you no longer keep time sheets  
13 during that, roughly, month period?

14 A. I believe that's correct.

15 Q. We have them here. And so we'll go over  
16 them in a second --

17 A. Okay.

18 Q. -- to confirm that, if we need to.

19 A. It's been a long time.

20 Q. Yeah. I understand that.

21 Do you recall any -- now, you said your  
22 understanding was that Tyler didn't require time sheets.  
23 Are you recalling some specific instruction that you  
24 received or a memorandum or something like that that  
25 would lead you to make that statement?

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1 A. I recall that being a question in a staff  
2 meeting because time accounting wasn't something that  
3 anyone enjoyed doing. I recall someone asking if we had  
4 to continue with the time accounting, and we were told  
5 no.

6 Q. Okay. And this was in a staff meeting?

7 A. Correct.

8 Q. And when you say a "staff meeting," who  
9 would've been at that staff meeting?

10 A. That would've been the EDPRO implementation  
11 department.

12 Q. And "EDPRO" is the name of the software?

13 A. Correct.

14 Q. And that's -- the "ED" part of that stands for  
15 "education"?

16 A. Correct.

17 Q. And that's distinct from like financial  
18 software?

19 A. At that -- when I went to work for EDP, it was  
20 all school financial software. But they had a COBOL  
21 based software, and then they had a Windows based  
22 software. And we were more or less segregated.

23 Q. Okay.

24 A. The EDPRO department worked downtown. The  
25 other software departments worked on Collins Circle.

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1 Q. Okay. So was the EDPRO software, was that  
2 Windows based or --

3 A. Correct.

4 Q. Okay. So who were the other EDPRO implementers  
5 that were in this -- would've been in this staff meeting  
6 at that time?

7 A. Richard Fritz, Chandra Robins, Talina McElhany,  
8 Delana Offord. Now I've got to really rack my brain.  
9 There would've been support personnel. And at this  
10 time, I don't remember which ones were still working  
11 there at that time.

12 Q. Okay. Was this just a regular staff meeting  
13 that occurred?

14 A. Yes, sir. We had one weekly.

15 Q. And was it Ms. Robins that told the group that  
16 they would no longer have to keep their time?

17 A. I believe it was Mr. Fritz.

18 Q. What was his position?

19 A. He was actually considered a vice president.

20 Q. Would he have been above or below Ms. Robins in  
21 terms --

22 A. Above.

23 Q. -- of the company hierarchy? Above?

24 A. Yes, sir, above.

25 Q. Did Ms. Robins report to Mr. Fritz?

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1 A. Correct, some of that time would've been  
2 reflected.

3 Q. Okay. Now, you're slipping up a little bit in  
4 terms of talking over me. So if you'd please wait until  
5 I'm finished, if you would. Thank you. And I'll try to  
6 do the same.

7 All right. Okay. The travel that you did,  
8 did that change from the time that you were a trainer to  
9 a client liaison?

10 A. Yes, sir. It was less.

11 Q. You did less travel as a client liaison?

12 A. Yes, sir.

13 Q. Let me make sure I understand the dates. What  
14 were the dates that you were a trainer? If you need to  
15 look at your declaration, that's fine. I'm not sure it  
16 says.

17 A. (Witness peruses documents).

18 Q. I'll tell you that it doesn't. So I'm going to  
19 have to ask you based on your memory.

20 A. Oh, my.

21 Q. And if you started work -- if you started work  
22 in -- what did we agree -- March of 2004 and you left in  
23 September of 2007 -- did we say September or October?

24 A. October.

25 Q. -- October of 2007 --

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1 MS. BAGLEY: If you can remember when you  
2 switched to client liaison, that's probably really the  
3 only -- and we can figure out the rest from there.

4 Q. (By Mr. McKeeby) Yeah. When did you switch to  
5 client liaison? That's --

6 MR. MCKEEBY: Thank you, Laureen.

7 A. I'm going to say approximately a year before I  
8 left.

9 Q. (By Mr. McKeeby) Okay. So let's say probably  
10 around the fall of 2006?

11 A. Correct.

12 Q. Okay. And was that a promotion?

13 A. No, sir.

14 Q. What was the occasion for you being moved from  
15 a trainer to a client liaison? Do you want me to ask a  
16 better question?

17 A. Correct, please.

18 Q. How were you informed that you were moving to  
19 that position or were -- well, let me ask you that that  
20 way. Maybe that will help.

21 A. There was a position available.

22 Q. Did you apply for the position?

23 A. I don't think I had to actually fill out an  
24 application. But I expressed an interest --

25 Q. Expressed an interest.

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1 A. -- in the open position as client liaison. I  
2 was very interested in being involved in verifying the  
3 data, the number crunching of it.

4 Q. And to whom did you express that interest?

5 A. Chandra Robins and Richard Fritz.

6 Q. Did someone leave the client liaison position,  
7 then it became opened?

8 A. Correct.

9 Q. Do you remember who that was?

10 A. Lisa White.

11 Q. Okay.

12 A. That might help with determining when I became  
13 a client liaison.

14 Q. Okay. Well, Laureen and I can go back and  
15 figure that out.

16 All right. So you told Chandra and Richard  
17 that you were interested in moving into that role?

18 A. Correct.

19 Q. And they moved you into that role?

20 A. Yes, sir.

21 Q. Did you have to go through any training before  
22 you did that?

23 A. No, sir.

24 Q. I mean did you go into any -- did you do -- did  
25 you have to be retrained to do the client liaison

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1 position?

2 A. No, sir.

3 Q. Were some of the duties of the client liaison

4 position the same as the trainer duties?

5 A. Yes, sir.

6 Q. But there were some duties that were different?

7 A. Correct.

8 Q. And that required less travel?

9 A. Yes, sir.

10 Q. Did it require any travel?

11 A. Yes, sir, to additional -- I meant -- I'm sorry

12 -- to the planning meeting as far as the initial

13 planning with the school district.

14 Q. Okay. But is it fair to say as a client

15 liaison, you did not do any of the customer training

16 that I assume that you did as a trainer?

17 A. I did a little bit.

18 Q. But less?

19 A. But -- yes, definitely less.

20 Q. And as a client liaison, you were not at the

21 customer's facility when they transitioned and went live

22 with EDP software?

23 A. Correct.

24 Q. But as a trainer, you were there?

25 A. Yes, sir.

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1 Q. What was it about the client liaison position  
2 that made you interested enough to express the interest  
3 that you did to Ms. Robins and Mr. Fritz?

4 A. I have accounting experience, and I'm very  
5 interested in numbers and data verification. And that  
6 interested me, making sure that all of the data was  
7 accurate.

8 Q. And when you talk about the "data," you're  
9 still talking about the data that's part of the  
10 conversion from the customer's previous systems to the  
11 EDPRO system?

12 A. Yes, sir.

13 Q. And only the EDPRO system? That's the only one  
14 you worked with?

15 A. Yes, sir.

16 Q. The work that you did at home that you  
17 described where you would study updates to the software  
18 or updates to the manual, how often would you estimate  
19 that occurred; once a month, once every two months, more  
20 than that?

21 A. Is the question how often would I take work  
22 home?

23 Q. Yes.

24 A. I would say three to four times a month.

25 Q. And when would you do it; on the weekends?